

Rule 1200-1-11-.12 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT [40 CFR Part 273]

(1) General [40 CFR 273 Subpart A]

(a) Scope [40 CFR 273.1]

1. This Rule establishes requirements for managing the following:
 - (i) Batteries as described in subparagraph (d) of this paragraph;
 - (ii) Pesticides as described in subparagraph (e) of this paragraph;
 - (iii) Thermostats as described in subparagraph (f) of this paragraph; and
 - (iv) Lamps as described in subparagraph (g) of this paragraph.
2. This Rule provides an alternative set of management standards in lieu of regulation under Rules 1200-1-11-.01 through .10.

(b) Definitions [40 CFR 273.9]

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Destination Facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in parts (2)(d)1 and 3 and (3)(d)1 and 3 of Rule 1200-1-11-.12. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Rule 1200-1-11-.02 or whose act first causes a hazardous waste to become subject to regulation.

“Lamp,” also referred to as “universal waste lamp,” is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this subparagraph) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, lamps, or thermostats, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way.

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Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

“Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

1. Is a new animal drug under FFDCA section 201(w), or
2. Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
3. Is an animal feed under FFDCA section 201(x) that bears or contains any substances described by parts 1 or 2 of this definition.

“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this subparagraph) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or lamps, calculated collectively) at any time.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of Rule 1200-1-11-.12(2)(d)3(ii) or (3)(d)3(ii).

“Universal Waste” means any of the hazardous wastes listed in Rule 1200-1-11-.12(1)(a) that are subject to the universal waste requirements of Rule 1200-1-11-.12.

“Universal Waste Handler”:

1. Means:
 - (i) A generator (as defined in this subparagraph) of universal waste; or
 - (ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.
2. Does not mean:
 - (i) A person who treats (except under the provisions of Rule 1200-1-11-.12(2)(d)1, 3, or 4, Rule 1200-1-11-.12(3)(d)1, 3, or 4, or Rule 1200-1-11-.07(1)(c)1(iv)), disposes of, or recycles universal waste; or
 - (ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility (except under the provisions of Rule 1200-1-11-.12(4)(b)2).

“Universal Waste Transfer Facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal Waste Transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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(Also, see Rule 1200-1-11-.01(2)(a).)

(c) Applicability -- Household and Conditionally Exempt Small Quantity Generator Waste [40 CFR 273.8]

1. Persons managing the wastes listed below may, at their option, manage them under the requirements of this Rule:
 - (i) Household wastes that are exempt under Rule 1200-1-11-.02(1)(d)2(i) and are also of the same type as the universal wastes defined at subparagraph (b) of this paragraph; and/or
 - (ii) Conditionally exempt small quantity generator wastes that are exempt under Rule 1200-1-11-.02(1)(e) and are also of the same type as the universal wastes defined at subparagraph (b) of this paragraph.
2. Persons who commingle the wastes described in subparts 1(i) and (ii) of this subparagraph above together with universal waste regulated under this Rule must manage the commingled waste under the requirements of this Rule.

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(d) Applicability -- Batteries [40 CFR 273.2]

1. Batteries Covered Under Rule 1200-1-11-.12
 - (i) The requirements of this Rule apply to persons managing batteries described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.
 - (ii) Spent lead-acid batteries which are not managed under Rule 1200-1-11-.09(7), are subject to management under this Rule.

2. Batteries Not Covered Under Rule 1200-1-11-.12

The requirements of this Rule do not apply to persons managing the following batteries:

- (i) Spent lead-acid batteries that are managed under Rule 1200-1-11-.09(7).
- (ii) Batteries, as described in subparagraph (b) of this paragraph, that are not yet wastes under Rule 1200-1-11-.02, including those that do not meet the criteria for waste generation in part 3 of this subparagraph.
- (iii) Batteries, as described in subparagraph (b) of this paragraph, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-1-11.02(3).

3. Generation of Waste Batteries

- (i) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
- (ii) An unused battery becomes a waste on the date the handler decides to discard it.

(e) Applicability - Pesticides [40 CFR 273.3]

1. Pesticides Covered Under Rule 1200-1-11-.12

The requirements of this Rule apply to persons managing pesticides described in subparagraph (b) of this paragraph, meeting the following conditions, except those listed in part 2 of this subparagraph:

- (i) Recalled pesticides that are:
 - (I) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or
 - (II) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.
- (ii) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

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2. Pesticides Not Covered Under Rule 1200-1-11-.12

The requirements of this Rule do not apply to persons managing the following pesticides:

- (i) Recalled pesticides described in subpart 1(i) of this subparagraph, and unused pesticide products described in subpart 1(ii) of this subparagraph, that are managed by farmers in compliance with Rule 1200-1-11-.03(1)(a)6 that addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with Rule 1200-1-11-.02(1)(g)2(iii);
- (ii) Pesticides not meeting the conditions set forth in part 1 of this subparagraph. These pesticides must be managed in compliance with the hazardous waste regulations in Rules 1200-1-11-.01 through .10;
- (iii) Pesticides that are not wastes under Rule 1200-1-11-.02, including those that do not meet the criteria for waste generation in part 3 of this subparagraph or those that are not wastes as described in part 4 of this subparagraph; and
- (iv) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in Rule 1200-1-11-.02(4) or if it exhibits one or more of the characteristics identified in Rule 1200-1-11-.02(3).

3. Generation of Waste Pesticides

- (i) A recalled pesticide described in subpart 1(i) of this subparagraph becomes a waste on the first date on which both of the following conditions apply:
 - (I) The generator of the recalled pesticide agrees to participate in the recall; and
 - (II) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

- (ii) An unused pesticide product described in subpart 1(ii) of this subparagraph becomes a waste on the date the generator decides to discard it.

4. Pesticides That Are Not Wastes

The following pesticides are not wastes:

- (i) Recalled pesticides described in subpart 1(i) of this subparagraph, provided that the person conducting the recall:
 - (I) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under Rule 1200-1-11-.02(1)(b); thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Rule. This pesticide remains subject to the requirements of FIFRA; or
 - (II) Has made a decision to use a management option that, under Rule 1200-1-11-.02(1)(b), does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Rule. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.
- (ii) Unused pesticide products described in subpart 1(ii) of this subparagraph, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

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(f) Applicability -- Mercury Thermostats [40 CFR 273.4]

1. Thermostats Covered Under Rule 1200-1-11-.12

The requirements of this Rule apply to persons managing thermostats described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.

2. Thermostats Not Covered Under Rule 1200-1-11-.12

The requirements of this Rule do not apply to persons managing the following thermostats:

- (i) Thermostats that are not yet wastes under Rule 1200-1-11-.02. Part 3 of this subparagraph describes when thermostats become wastes.
- (ii) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-1-11-.02(3).

3. Generation of Waste Thermostats

- (i) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

- (ii) An unused thermostat becomes a waste on the date the handler decides to discard it.

(g) Applicability - Lamps [40 CFR 273.5]

1. Lamps covered under Rule 1200-1-11-.12.

The requirements of this Rule apply to persons managing lamps described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.

2. Lamps not covered under Rule 1200-1-11-.12.

The requirements of this Rule do not apply to persons managing the following lamps:

- (i) Lamps that are not yet wastes under Rule 1200-1-11-.02. Part 3 of this subparagraph describes when lamps become wastes.
- (ii) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-1-11-.02(3).

3. Generation of Waste Lamps.

- (i) A used lamp becomes a waste on the date it is discarded.
- (ii) A used or an unused lamp becomes a waste on the date the handler decides to discard it.

(h) (Reserved) [40 CFR 273.6]

(i) (RESERVED) [40 CFR 273.7]

(2) Standards for Small Quantity Handlers of Universal Waste [40 CFR 273 Subpart B]

(a) Applicability [40 CFR 273.10]

This paragraph applies to small quantity handlers of universal waste (as defined in subparagraph (1)(b) of this Rule).

(b) Prohibitions [40 CFR 273.11]

A small quantity handler of universal waste is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (h) of this paragraph; or by managing specific wastes as provided in subparagraph (d) of this paragraph.

(c) Notification [40 CFR 273.12]

A small quantity handler of universal waste is not required to notify the Commissioner of universal waste handling activities.

(d) Waste Management [40 CFR 273.13]

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1. Universal Waste Batteries:

A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (ii) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - (I) sorting batteries by type;
 - (II) mixing battery types in one container;
 - (III) discharging batteries so as to remove the electric charge;
 - (IV) regenerating used batteries;
 - (V) disassembling batteries or battery packs into individual batteries or cells;
 - (VI) removing batteries from consumer products; or
 - (VII) removing electrolyte from batteries.
- (iii) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Rule 1200-1-11-.02(3).
 - (I) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to Rule 1200-1-11-.03.
 - (II) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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2. Universal Waste Pesticides

A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- (i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or
- (ii) A container that does not meet the requirements of subpart (i) of this part, provided that the unacceptable container is overpacked in a container that does meet the requirements of subpart (i) of this part; or
- (iii) A tank that meets the requirements of Rule 1200-1-11-.05(10), except for part (h)3, and subparagraphs (k) and (l); or
- (iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Universal Waste Thermostats:

A small quantity handler of universal waste must manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A small quantity handler of universal waste must contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (ii) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:
 - (I) Removes the ampules in a manner designed to prevent breakage of the ampules;
 - (II) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - (III) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of Rule 1200-1-11-.03(4)(e);
 - (IV) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Rule 1200-1-11-.03(4)(e);
 - (V) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (VI) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

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- (VII) Stores removed ampules in closed, non-leaking containers that are in good condition;
- (VIII) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and
- (iii) (I) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats must determine whether the following exhibit a characteristic of hazardous waste identified in Rule 1200-1-11-.02(3):
 - I. Mercury or clean-up residues resulting from spills or leaks; and/or
 - II. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
- (II) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rule 1200-1-11-.01 through .10. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it is subject to Rule 1200-1-11-.03.
- (III) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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4. Universal Waste Lamps.

- (i) A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:
 - (I) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
 - (II) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
- (ii) Small quantity handlers of universal waste mercury-containing lamps may treat mercury-containing lamps for volume reduction at the site where they were

generated under the provisions of Rule 1200-1-11-.12(8) and under the following conditions:

- (I) The lamps must be crushed in a system designed and operated to minimize the loss of mercury to the atmosphere. Any air exhausted from the unit shall pass through a well-maintained high efficiency particulate air filter (HEPA) designed to minimize such loss. Detailed records regarding this operation must be kept and made available for review for at least three (3) years, including, but not limited to, the technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit;
- (II) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of Rule 1200-1-11-.03(4)(e), and has available equipment necessary to comply with this requirement;
- (III) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) exposure levels for mercury;
- (IV) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- (V) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

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(e) Labeling/Marking [40 CFR 273.14]

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

1. Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)."
2. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule are contained must be labeled or marked clearly with:
 - (i) The label that was on or accompanied the product as sold or distributed; and
 - (ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."
3. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in subpart (1)(e)1(ii) of this Rule are contained must be labeled or marked clearly with:
 - (i) (I) The label that was on the product when purchased, if still legible;

- (II) If using the labels described in item (I) of this subpart is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;
 - (III) If using the labels described in items (I) and (II) of this subpart is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
- (ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."
4. Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostat(s)" or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)."
5. Universal waste lamps (i.e., each lamp), or a container or package in which such lamps are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."
- (f) Accumulation Time Limits [40 CFR 273.15]
1. A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of part 2 of this subparagraph are met.
2. A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.
3. A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
- (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (iii) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
 - (iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

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- (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(g) Employee Training [40 CFR 273.16]

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(h) Response to Releases [40 CFR 273.17]

1. A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.
2. A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with Rule 1200-1-11-.03.

(i) Off-site Shipments [40 CFR 273.18]

1. A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
2. If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 -180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 - 180.
4. Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
5. If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.
6. A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

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- (i) Send the shipment back to the originating handler, or
 - (ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- 7. If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Commissioner will provide instructions for managing the hazardous waste.
- 8. If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.
- (j) Tracking Universal Waste Shipments [40 CFR 273.19]

A small quantity handler of universal waste shall follow the procedures set forth for large quantity handlers in subparagraph (3)(j) of this Rule.
- (k) Exports [40 CFR 273.20]

A small quantity handler of universal waste who sends universal waste to a foreign destination must:

(Note: See 40 CFR 273.20 for additional requirements.)

- 1. Comply with the requirements applicable to a primary exporter in Rules 1200-1-11-.03(6)(d),(6)(g)1(i) through (iv), (vi),(g)2 and (6)(h);
 - 2. Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Rule 1200-1-11-.03(6); and
 - 3. Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.
- (3) Standards for Large Quantity Handlers of Universal Waste [40 CFR 273 Subpart C]
 - (a) Applicability [40 CFR 273.30]

This paragraph applies to large quantity handlers of universal waste (as defined in subparagraph (1)(b) of this Rule).
 - (b) Prohibitions [40 CFR 273.31]

A large quantity handler of universal waste is:

 - 1. Prohibited from disposing of universal waste; and
 - 2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (h) of this paragraph; or by managing specific wastes as provided in subparagraph (d) of this paragraph.

(c) Notification [40 CFR 273.32]

1.
 - (i) Except as provided in subparts (ii) and (iii) of this part, a large quantity handler of universal waste must have sent written notification of universal waste management to the Commissioner, and received an Installation Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
 - (ii) A large quantity handler of universal waste who has already notified the Commissioner of his hazardous waste management activities and has received an Installation Identification Number is not required to renotify under this subparagraph.
 - (iii) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule and who has sent notification to the Commissioner as required by Rule 1200-1-11-.05 is not required to notify for those recalled universal waste pesticides under this subparagraph.
2. This notification must include:
 - (i) The universal waste handler's name and mailing address;
 - (ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
 - (iii) The address or physical location of the universal waste management activities;
 - (iv) A list of all of the types of universal waste managed by the handler (e.g, batteries, pesticides, thermostats, lamps);
 - (v) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, pesticides, thermostats, and lamps) the handler is accumulating above this quantity.

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(d) Waste Management [40 CFR 273.33]

1. Universal Waste - Batteries:

A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (ii) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

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- (I) Sorting batteries by type;
 - (II) Mixing battery types in one container;
 - (III) Discharging batteries so as to remove the electric charge;
 - (IV) Regenerating used batteries;
 - (V) Disassembling batteries or battery packs into individual batteries or cells;
 - (VI) Removing batteries from consumer products; or
 - (VII) Removing electrolyte from batteries.
- (iii) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Rule 1200-1-11-.02(3).
- (I) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to Rule 1200-1-11-.03.
 - (II) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

2. Universal Waste - Pesticides:

A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- (i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or
- (ii) A container that does not meet the requirements of subpart (i) of this part, provided that the unacceptable container is overpacked in a container that does meet the requirements of subpart (i) of this part; or
- (iii) A tank that meets the requirements of Rule 1200-1-11-.05(10), except for part (h)3, and subparagraphs (k) and (l); or
- (iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Universal Waste - Thermostats:

A large quantity handler of universal waste must manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A large quantity handler of universal waste must contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (ii) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:
 - (I) Removes the ampules in a manner designed to prevent breakage of the ampules;
 - (II) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);
 - (III) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of Rule 1200-1-11-.03(4)(e);
 - (IV) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Rule 1200-1-11-.03(4)(e);
 - (V) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (VI) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (VII) Stores removed ampules in closed, non-leaking containers that are in good condition;
 - (VIII) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and
- (iii) (I) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats must determine whether the following exhibit a characteristic of hazardous waste identified in Rule 1200-1-11-.02(3):
 - I. Mercury or clean-up residues resulting from spills or leaks; and/or

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- II. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
- (II) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to Rule 1200-1-11-.03.
- (III) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.
4. Universal Waste - Lamps.
- (i) A large quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:
- (I) A large quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
- (II) A large quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
- (ii) Large quantity handlers of universal waste lamps may treat the lamps for volume reduction at the site where they were generated under the provisions of Rule 1200-1-11-.12(8) and under the following conditions:
- (I) The lamps must be crushed in a system designed and operated to minimize the loss of mercury or other hazardous constituents to the atmosphere. Any air exhausted from the unit shall pass through a well-maintained high efficiency particulate air filter (HEPA) designed to minimize such loss. Detailed records regarding this operation must be kept and made available for review for at least three (3) years, including, but not limited to, the technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit;
- (II) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of Rule 1200-1-11-.03(4)(e), and has available equipment necessary to comply with this requirement;

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- (III) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) exposure levels for mercury or other hazardous constituents;
- (IV) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury or other hazardous constituents handling and emergency procedures, including transfer of mercury or other hazardous constituents from containment devices to appropriate containers; and
- (V) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

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(e) Labeling/Marking [40 CFR 273.34]

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

1. Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"
2. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule are contained must be labeled or marked clearly with:
 - (i) The label that was on or accompanied the product as sold or distributed; and
 - (ii) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s);"
3. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in subpart (1)(e)1(ii) of this Rule are contained must be labeled or marked clearly with:
 - (i)
 - (I) The label that was on the product when purchased, if still legible;
 - (II) If using the labels described in item (I) of this subpart, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;
 - (III) If using the labels described in items (I) and (II) of this subpart is not feasible, another label prescribed or designated by the pesticide collection program; and
 - (ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."
4. Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostat(s)", or "Waste Mercury Thermostat(s)", or "Used Mercury Thermostat(s)".

5. Universal waste lamps (i.e., each lamp), or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Lamp(s)”, or “Waste Lamp(s)”, or “Used Lamp(s)”.

(f) Accumulation Time Limits [40 CFR 273.35]

1. A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of part 2 of this subparagraph are met.
2. A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.
3. A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
 - (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (iii) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;
 - (iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
 - (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(g) Employee Training [40 CFR 273.36]

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(h) Response to Releases [40 CFR 273.37]

1. A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

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2. A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and is subject to Rule 1200-1-11-.03.
- (i) Off-site Shipments [40 CFR 273.38]
1. A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
 2. If a large quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
 3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 -180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 - 180.
 4. Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
 5. If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.
 6. A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:
 - (i) Send the shipment back to the originating handler, or
 - (ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
 7. If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Commissioner will provide instructions for managing the hazardous waste.

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8. If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(j) Tracking Universal Waste Shipments [40 CFR 273.39]

1. Receipt of Shipments

A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- (i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent; (Pesticide collection programs operated under the authority of the Tennessee Department of Agriculture are exempt from the requirements of this subpart provided that the pesticides are received by a universal waste handler for proper management);
- (ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps);
- (iii) The date of receipt of the shipment of universal waste.

2. Shipments Off-site

A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

- (i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
- (ii) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, lamps);
- (iii) The date the shipment of universal waste left the facility.

3. Record Retention

- (i) A large quantity handler of universal waste must retain the records described in part 1 of this subparagraph for at least three years from the date of receipt of a shipment of universal waste.
- (ii) A large quantity handler of universal waste must retain the records described in part 2 of this subparagraph for at least three years from the date a shipment of universal waste left the facility.
- (iii) An organization with multiple locations may retain their universal waste records at an in-state consolidation point acceptable to the Division. If a site inspection of the records by the Division is not feasible due to the use of a records consolidation point, a copy of the site's universal waste records shall be sent, within seven working days of the request, to the Division.

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(k) Exports [40 CFR 273.40]

A large quantity handler of universal waste who sends universal waste to a foreign destination must:

(Note: See 40 CFR 273.40 for additional EPA requirements.)

1. Comply with the requirements applicable to a primary exporter in Rule 1200-1-11-.03(6)(d), (6)(g)1(i) through (iv),(vi), (g)2 and (6)(h);
2. Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Rule 1200-1-11-.03(6); and
3. Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

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(4) Standards for Universal Waste Transporters [40 CFR 273 Subpart D]

(a) Applicability [40 CFR 273.50]

This subpart applies to universal waste transporters (as defined in subparagraph (1)(b) of this Rule).

(b) Prohibitions [40 CFR 273.51]

A universal waste transporter is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (e) of this paragraph or by managing specific wastes as provided in Rule 1200-1-11-.07(1)(c)1(iv).

(c) Waste Management [40 CFR 273.52]

1. A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest requirements of the Department specified in Rule 1200-1-11-.03. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.
2. Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under Rule 1200-1-11-.03, they may not be described by the DOT proper shipping name "hazardous waste, (I) or (S), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

(d) Storage Time Limits [40 CFR 273.53]

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1. A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.
 2. If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of paragraphs (2) or (3) of this Rule while storing the universal waste.
- (e) Response to Releases [40 CFR 273.54]
1. A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.
 2. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of Rules 1200-1-11-.01 through .10. If the waste is determined to be a hazardous waste, the transporter is subject to Rule 1200-1-11-.03.
- (f) Off-site Shipments [40 CFR 273.55]
1. A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.
 2. If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

(g) Exports [40 CFR 273.56]

A universal waste transporter transporting a shipment of universal waste to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

(Note: See 40 CFR 273.56 for additional EPA requirements.)

1. A copy of the EPA Acknowledgment of Consent accompanies the shipment; and
2. The shipment is delivered to the facility designated by the person initiating the shipment.

(5) Standards for Destination Facilities [40 CFR 273 Subpart E]

(a) Applicability [40 CFR 273.60]

1. The owner or operator of a destination facility (as defined in subparagraph (1)(b) of this Rule) is subject to all applicable requirements of Rules 1200-1-11-.05, .06, .07, .09 and .10, including the notification requirement under Rule 1200-1-11-.03(2).
2. The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with Rule 1200-1-11-.02(1)(f)3(ii).

(b) Off-site Shipments [40 CFR 273.61]

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1. The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.
2. The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:
 - (i) Send the shipment back to the original shipper, or
 - (ii) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
3. If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the shipper. The Commissioner will provide instructions for managing the hazardous waste.
4. If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(c) Tracking Universal Waste Shipments [40 CFR 273.62]

1. The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:
 - (i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
 - (ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps);
 - (iii) The date of receipt of the shipment of universal waste.
2. The owner or operator of a destination facility must retain the records described in part 1 of this subparagraph for at least three years from the date of receipt of a shipment of universal waste.

(6) Import Requirements [40 CFR 273 Subpart F]

(a) Imports [40 CFR 273.70]

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this Rule, immediately after the waste enters the United States, as indicated in parts 1 through 3 of this subparagraph:

1. A universal waste transporter is subject to the universal waste transporter requirements of paragraph (4) of this Rule.

2. A universal waste handler is subject to the small or large quantity handler of universal waste requirements of paragraphs (2) or (3) of this Rule, as applicable.
 3. An owner or operator of a destination facility is subject to the destination facility requirements of paragraph (5) of this Rule.
 4. (Reserved) [40 CFR 273.70(d)]
- (7) Petitions to Include Other Wastes under Rule 1200-1-11-.12 [40 CFR 273 Subpart G]
- (a) General [40 CFR 273.80]
1. Any person seeking to add a hazardous waste or a category of hazardous waste to this Rule may petition for a regulatory amendment under this paragraph and Rules 1200-1-11-.01(3)(a) and (d).
 2. To be successful, the petitioner must demonstrate to the satisfaction of the Commissioner that regulation under the universal waste regulations of Rule 1200-1-11-.12 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by Rule 1200-1-11-.01(3)(a)2. The petition should also address as many of the factors listed in subparagraph (b) of this paragraph as are appropriate for the waste or waste category addressed in the petition.
 3. The Commissioner will evaluate petitions using the factors listed in subparagraph (b) of this paragraph. The Commissioner will grant or deny a petition using the factors listed in subparagraph (b) of this paragraph. The decision will be based on the weight of evidence showing that regulation under Rule 1200-1-11-.12 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.
- (b) Factors for Petitions to Include Other Wastes under Rule 1200-1-11-.12 [40 CFR 273.81]
1. The waste or category of waste, as generated by a wide variety of generators, is listed in Rule 1200-1-11-.02(4), or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Rule 1200-1-11-.02(3). (When a characteristic waste is added to the universal waste regulations of Rules 1200-1-11-.12 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in Rules 1200-1-11-.01(2)(a) and Rule 1200-1-11-.12(1)(b) will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries). Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of Rule 1200-1-11-.12;
 2. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);
 3. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

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4. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
5. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to subparagraphs (2)(d), (3)(d) and (4)(c) of this Rule; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;
6. Regulation of the waste or category of waste under Rule 1200-1-11-.12 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g, the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with the Act;
7. Regulation of the waste or category of waste under Rule 1200-1-11-.12 will improve implementation of and compliance with the hazardous waste regulatory program; and/or
8. Such other factors as may be appropriate.

(8) Standards for the Owner or Operator of a “Universal Waste Lamp Crusher System”

(a) Applicability

This paragraph applies to handlers of universal waste lamps (defined in Rule 1200-1-11-.12(1)(b)) operating a “crusher system” for the purpose of volume reduction.

(b) Prohibitions

A crusher of universal waste lamps is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by crushing for volume reduction purposes in compliance with the Permit-by-rule requirement of Rule 1200-1-11-.07(1)(c)1(iv) or as otherwise provided in Rule 1200-1-11-.12.

(c) Labeling/Marking

A handler of universal waste lamps and crushing device must label or mark the universal waste lamps or containers as specified below:

1. Universal waste lamps (i.e., each lamp), or a container in which the lamps or crushed lamps are contained, must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Lamp(s)”, or “Waste Lamp(s)”, or “Used Mercury Lamp(s), or placing “Crushed”, as appropriate, first on the label.

(d) Accumulation Time Limits

1. A handler of universal waste lamps and crusher operator may accumulate such universal waste for no longer than one year from the date it is generated, or received from another handler.

2. A handler of universal waste mercury-containing lamps who accumulates them must be able to demonstrate the length of time they have been accumulated from the date the lamps become a waste or are received. The handler may make this demonstration by:

- (i) Placing the lamps in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (ii) Maintaining an inventory system available for review that identifies the date each shipment of universal waste lamps became a waste or was received, the date it was sent for recycling, and the name and address of the destination facility or handler.

(e) Employee Training

A handler of universal waste lamps must inform all employees who handle or have responsibility for managing them. The information must describe proper handling and emergency procedures.

(f) Response to Releases

1. A handler of universal waste lamps must immediately contain all releases and other residues.
2. A handler of universal waste lamps must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-1-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with Rule 1200-1-11-.03.

(g) Off-site Shipments

1. A handler of universal waste lamps is prohibited from sending or taking such waste to a place other than another universal waste handler or a destination facility.
2. If a handler of universal waste lamps self-transportes such waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 -180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 - 180.
4. If a handler of universal waste lamps sends a shipment of such waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

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Authority: T.C.A. §§4-5-202 and 68-212-101 et seq. Administrative History: Original Rule filed January 29, 1997; effective April 14, 1997. Amendment filed August 28, 1997; effective November 11, 1997. Amendment filed June 29, 1998; effective September 12, 1998. Amendment filed May 7, 1999; effective July 19, 1999. Amendment filed September 14, 2000; effective November 28, 2000. Amendment filed August 3, 2001; effective October 17, 2001; Amendment filed May 8, 2002; effective July 22, 2002. Amendment filed October 29, 2003; effective January 12, 2004. Amendment filed June 23, 2004 effective September 6, 2004.

Legal contact and/or party who will approve final copy
for publication and is the contact for disk acquisition:

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Division of Solid Waste Mgmt.
5th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0850

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Other Information

The Division has prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review only at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Assistance Centers located as follows:

Memphis Environmental Assistance Center
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Jackson Environmental Assistance Center
362 Carriage House Drive
Jackson, TN 38305-2222
(731) 512-1300/ 1-888-891-8332

Columbia Environmental Assistance Center
2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Nashville Environmental Assistance Center
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Cookeville Environmental Assistance Center
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Chattanooga Environmental Assistance Center
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Knoxville Environmental Assistance Center
Suite 220- State Plaza
2700 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Johnson City Environmental Assistance Center
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

Additional review copies only are available at the following library locations:

McIver's Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
(731) 285-5032

Hardin County Library
1013 Main Street
Savannah, TN 38372-1903
(731) 925-4314

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
(931) 723-5143

E. G. Fisher Public Library
1289 Ingleside Ave.
Athens, TN 37371-1812
(423) 745-7782

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
(731) 642-1702

Clarksville-Montgomery County Public Library
350 Pageant Lane, Suite 501
Clarksville, TN 37040-0005
(931) 648-8826

Art Circle Public Library
154 East First Street
Crossville, TN 38555-4696
(931) 484-6790

Kingsport Public Library & Archives
400 Broad Street
Kingsport, TN 37660-4292
(423) 229-9489

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The "DRAFT" rules may also be accessed for review using:

<http://www.state.tn.us/environment/swm/swmppo>

Copies are also available for review at the Nashville Central Office (see address below). They may be purchased at the central office location only (\$75.00 per copy if picked up or \$84.00 per copy if mailed, which includes shipping and handling, payable in advance).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0780

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Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. Gerald Ingram; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0850 or FAX 615-532-0886. However, such written comments must be received by the Division by 4:30 PM CST, November 3, 2004 in order to assure consideration. For further information, contact Mr. Gerald Ingram at the above address or telephone number.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management.

Mike Apple
Director

Subscribed to and sworn to before me this _____ day of _____, _____.

Notary Public

My commission expires on the _____ day of _____, _____.

The notice of rulemaking set out herein was properly filed in the Department of State on the _____ day of _____, _____.

Riley C. Darnell
Secretary of State

By: _____